IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 311 of 2007 (S/S)

Ajay Pal Singh Bhandari
S/o Sri Hukam Singh Bhandari,
R/o Village & P.O. Kuthnour,
District Uttarkashi ..... **Petitioner**

Versus

1. State of Uttarakhand through Secretary Education Uttarakhand Govt., Dehradun.
2. Deputy Director of Education Garhwal Region, Pauri.
3. District Education Officer, Uttarkashi.
4. Principal Govt. Inter College Ranageet District Uttarkashi.

.....**Respondents**

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Pundir, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following relief:-

1. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 2.12.2006 (Annexure No. 15 to the writ petition).

2. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider the petitioner for promotion to the post of junior clerk.

3. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay the arrears of the pay scale of junior clerk from year 2000 till December 2004 for the period which he has worked as junior clerk along with his regular duties of Class IV employee.

4. Issue a writ, direction or order in the nature of mandamus commanding the respondents to give the additional charge of junior clerk to the petitioner along with his regular duties and further direct the respondents to pay the minimum pay scale of junior clerk.

5. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to give all consequential benefits to the petitioner.

6. Issue any other order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.

7. Award cost of the petition to the petitioner.

The petitioner had earlier filed a Writ Petition No. 1338 of 2004 (S/S) for a writ of mandamus directing the respondents to consider the petitioner for promotion on the post of junior clerk in Government Inter College, Ranageet, District Uttarkashi. The said writ petition was disposed of by this Court on 28.08.2006.

This Court disposed of the writ petition by giving liberty to the petitioner to move a representation before the appropriate authority for the payment of salary due to the petitioner for the period for which he was worked as junior clerk within a month and the respondent was directed to dispose of the same in accordance with Rules within a period of two months.

In compliance of order dated 28.08.2006, District Education Officer, Uttarkashi vide order dated 2nd December, 2006 rejected the representation of the petitioner dated 07.10.2006. While rejecting the representation of the petitioner, the respondent no. 3 has stated that salary has been paid to the petitioner for the post of Junior clerk for the period

he has worked. I do not find any illegality in the order dated 2nd December, 2006.

The second prayer in the writ petition is for a direction to the respondent to consider the petitioner for promotion to the post of junior clerk. The Court does not find any merit to pass any order directing the respondent to promote the petitioner on the post of junior clerk. However, whenever the post of junior clerk is vacant, the authority shall take initiative to fill up the post in accordance with law and if the petitioner is eligible to be promoted, he can apply for promotion.

So, far the third prayer is concerned, the petitioner has already been paid salary to the post of Junior clerk for the period during which he had worked as junior clerk.

The writ petition lacks merit and is dismissed.

03.04.2007 **(M.M. Ghildiyal, J.)**
VKS